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UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

MOSDOS CHOFETZ CHAIM INC.,

Debtor.

Chapter 11 – Post Confirmation

Case No. 12-23616 (RDD)

CONGREGANTS OF MOSDOS CHOFETZ CHAIM  
INC. A/K/A KIRYAS RADIN,

Plaintiffs,

- against -

Adv. Proc. No. 21-7023 (RDD)

MOSDOS CHOFETZ CHAIM INC., CHOFETZ  
CHAIM INC., TBG RADIN LLC, SHEM OLAM,  
LLC, CONGREGATION RADIN DEVELOPMENT  
INC., ARYEH ZAKS, BEATRICE WALDMAN  
ZAKS, MENDEL ZAKS, GITTEL ZAKS LAYOSH,  
ELIYAHU LAYOSH, SAMUEL MARKOWITZ,  
DEBORAH ZAKS HILLMAN, YOM T. HENIG,  
STEVEN GREEN, DANIEL GREEN, ABRAHAM  
ZAKS and STERLING NATIONAL BANK,

Defendants.

**DECLARATION OF RABBI  
MAYER ZAKS**

RABBI MAYER ZAKS, under penalty of perjury and pursuant to 28 U.S.C. § 1746,  
submits this declaration in support of Movant's Order to Show Cause,

1. I am the Grand Rabbi of the Orthodox Jewish Community known Kiryas Radin located at  
1-11 Kiryas Drive (a/k/a/ 1-60 Kiryas Radin Drive), in Spring Valley, Rockland County,  
New York.

2. I make this declaration based upon my personal knowledge in support of a stay of the Court's April 14, 2022 Order which, among other things, evicts me and 26 family members from our residence at 1 Kiryas Radin Drive, Spring Valley, NY. I have lived at Kiryas Radin Drive since the property was purchased in the late 1990's to serve the community. Then, in approximately 2010, we constructed a new synagogue with housing located on the property. I moved into Unit 1 and attached Apartment 3 to accommodate guests and family members.
3. In my role as the Grand Rabbi, I preside over services each Saturday that are temporarily located at the Bais Malka Girls School, 40 Grandview Avenue Spring Valley, New York. To comply with this Court's orders, we have held services there every Sabbath since September 2021.
4. My congregation is a close nit community in existence for over 20 years, and my participation in services is central to the congregation's observance of the Sabbath and religious holidays.

#### **Current Residence/Alternative Residence**

5. My current residence at 1 Kiryas Radin Drive is a townhouse. My unit, Unit 1, has four bedrooms and a study. My wife Sima Zaks Weintraub and four of my children (Shimon Zaks (age 30) Aron Zaks (age 23), Henoch Zaks (age 19), and Yosef Tzvi Zaks (age 17)) live with me. In addition, my son Shimon's wife Leah Zaks (who is currently pregnant and expecting soon) lives with me, as does my grandson Yehoshua who is 2 years old.
6. The other families affected by the Court's eviction order all live in townhouses on the Kiryas Radin property.
7. The other townhouses have approximately four bedrooms each.

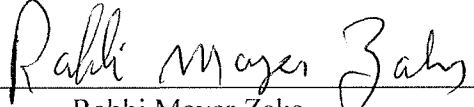
8. My daughter Leah Brody, her husband Nochum Brody, and their ten children, three sets of twins a set of triplets and a single (Chaya Bracha Brody (age 11), Ester Malka Brody (age 11), Moshe Aron Brody (age 9), Miriam Freda Brody (age 9) Batsheva Rivka Brody (age 8), Avrohom Gershon Brody (age 4), Sarah Devorah Brody (age 4), Chana Eitel Brody (age 4), Fayge Tema Brody (age 6 months), and Shmuel Brody (age 6 months)) live in one townhouse.
9. My other daughter Faigy Hochman (who is currently pregnant and expecting soon), her husband Yisroel Hochman, and their four children (Avrohom Gershon Hochman (age 6), Yaakov Tzvi Hochman (age 4), Menachem Mendel Yosef Hochman (age 2), Aron Yehuda Hochman (age 1)), live in another townhouse.
10. I have another residence at 14 Cloverdale Lane in Monsey, N.Y., but this residence is substantially smaller than the collective residences at Kiryas Drive and cannot accommodate the 26 other people who have been evicted from their own homes by the Court's order.
11. In addition, 14 Cloverdale Lane houses my wife's parents Rabbi Munish and Rachel Weintraub (with their nurses), who are both nearing the age of 90.
12. Additionally, the primary purpose of 14 Cloverdale is to house the dispossessed individuals of our religious community. These individuals are often very old, very sick, and have no family upon which to rely. The presence of so many of my young grandchildren would make the mission of housing these people extremely difficult, if not impossible.

13. Many of the living quarters in 14 Cloverdale Lane are single bedrooms, with single bathrooms, and no kitchens. The house does not have sleeping areas or kitchen facilities to service all 26 of my family members and the needy population that we serve.

**Distance from Malka Girls School**

14. To comply with the underlying injunction order barring me and our community's lay leaders from worshiping at our synagogue, we ceased performing religious services on the Kiryas Radin property and moved them temporarily to the Bais Malka Girls School located next door. According to Jewish law, neither I nor my congregants may operate motor vehicles on the Sabbath and therefore must walk to and from religious services and celebratory gatherings. Sabbath observance is central to the Orthodox Jewish faith.
15. I have a heart condition (treated with an arterial stent) that prevents me from walking long distances.
16. 14 Cloverdale Lane is a 3.4-mile walk (over one hour) from the Bais Malka Girls School.
17. If evicted from 1 Kiryas Drive, I could not physically endure that walk on pleasant days, much less in adverse weather conditions. Consequently, if forced to live at 14 Cloverdale Lane, I would be stopped from celebrating the Sabbath with my congregation – making it impossible for me to fulfill my obligations as a religious leader. It would also deprive my over 60 congregants of their Rabbi's religious guidance and instruction during Sabbath services and community gatherings.

Dated: Monsey, New York  
May 12, 2022

  
Rabbi Mayer Zaks